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Los Angeles, CA 90025-1030

In re application of
Tim Carruthers et al
Application No. 09/767,793
Filed: January 23, 2001
For: METHOD AND SYSTEM FOR
SCHEDULING ONLINE TARGETED
CONTENT DELIVERY

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on October 06, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition A) and B) above.

As to condition A) the attorneys listed as being withdrawn do not match those appointed in Customer No. 44367. ~~Therefore, some attorneys originally~~ appointed would still be of record if the request were approved. Specifically, Thomas Ewing, Richard Gregson, Suneel Arora, Lucinda Price, David Black, Peter Maki, Ann McCrackin, Monique Shonka; David Suhl, John Dahl, Patti Jurkovich, Eric Replogle, Richard Thill, Nayantara Chatterjee, Ashley Ott, and Van Nguy would still have power of attorney. It does not appear that that is the intent of the request. If only certain attorneys are withdrawing, then it must be so stated. It is suggested that the signing attorney withdraw on behalf of himself and all attorneys of record if that is the intent of the petition.

Condition B) can be met by clearly specifying one of the valid reasons for withdrawal under 37 CFR 10.40 (b)(1)-(6) or (C)(1)-(6).



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SNM/pav: 11/09/04